

**MINUTES  
CITY OF GUNNISON  
ZONING BOARD OF ADJUSTMENTS AND APPEALS  
PUBLIC HEARING/REGULAR MEETING  
March 20, 2002**

<b>MEMBERS</b>	<b>PRESENT/ABSENT</b>
<b>WES BAILEY, CHAIRPERSON</b>	<b>X</b>
<b>JENNIE LAZORCHAK, VICE CHAIRPERSON</b>	<b>X</b>
<b>MARIAN HICKS</b>	<b>X</b>
<b>JUDY KLINKER</b>	<b>X</b>
<b>HEIDI PATRICK</b>	<b>X</b>

**OTHERS PRESENT**

PLANNER NOAH CULLIS, PLANNING TECHNICIAN MARDEE FENSKE  
Richard Carter, Josette Carter, Terry Zerger, Bill Nesbit, Peter Smith

**I. CALL TO ORDER BY WES BAILEY, CHAIRPERSON**

Chairperson Bailey called the meeting to order at 7:00 P.M.

**II. CONSIDERATION OF MINUTES OF NOVEMBER 15, 2001**

Board member Klinker made a motion which was seconded by board member Hicks to approve to minutes as presented. Board member Patrick arrived late and was unable to vote on the approval of said minutes.

Roll call vote yes: Hicks, Bailey, Lazorchak, Klinker. Motion carried.

No: None.

**III. UNSCHEDULED CITIZENS**

There were no unscheduled citizens.

**IV. AGENDA CHANGES**

There were no agenda changes.

**V. VA-02-1, VARIANCE - RICK AND JOSETTE CARTER**

**A. Open Public Hearing.** Chairperson Wes Bailey opened the public hearing at 7:03 P.M..

**B. Review Application.** Chairperson Bailey reviewed Application VA-02-1, Variance, Rick and Josette Carter, an Application requesting a variance from the fifteen (15') foot front setback requirement for a corner lot in the Residential Duplex

R-2 zoning district. The variance will permit the construction of a new fireplace and an addition to the existing dwelling. The location of the property in question is legally described as the north 23 feet of Lot 11, and all of Lots 23-24, Block 2, First Addition to Gunnison, Gunnison, Colorado.

- C. Proof of Publication.** Chairperson Bailey requested Proof of Publication, Planner Cullis confirmed.
- D. Applicant's Presentation.** Rick Carter presented the application for the applicant. He noted the original construction of the house was in 1912. There have been several additions completed on the house in the last 90 years. The most recent addition was done in the 1960's, which included the most recent plumbing, electrical and insulation. Mr. Carter distributed a new site plan to the commissioners, showing the additions completed on the house at hand. Mr. Carter explained that he and his wife wish to eliminate the second floor dormer, and combine all the spaces on the ground floor, to utilize space. He and Mrs. Carter would like to see the house back to it's original shape and appearance. Mr. Carter explained they would be constructing a fireplace along the north wall to the living room and a 14' addition. Mr. And Mrs Carter told the board members they had contacted all the adjoining neighbors personally, and were able to speak with all but one neighbor and Western State College. All neighbors are supportive of this application. He also stated that this addition/remodel will be able to update all electrical, plumbing and insulation to comply with code.

Board member Klinker asked Mr. Carter why they were bringing out 2' to the north. Mr. Carter said this will bring an architectural break in the wall and it gives more space. Board member Patrick asked if they were taking out the dormer on the south side. Mr. Carter replied yes. She also asked if the house was originally not a two story. Mr. Carter also said it was not originally a two story home.

- E. Public Input.** Bill Nesbit, Peter Smith, and Terry Zerger, all neighbors of the Carters, expressed their support of this application.
- E. Staff Report.** Planner Cullis presented the staff report and showed photos (exhibit A) of the property, letters of support from neighbors (exhibit C & D) See Staff Report. Staff interpretation found that the applicant is unable to meet three (3) of the seven (7) requirements for a variance which results in a recommendation for denial. Planner Cullis recommended conditions for consideration if the application is approved. Board member Klinker asked how many feet from the north property line to Ohio. Planner Cullis explained that the new survey says it is within 26' of

the street, the addition will make it within 3' of the property line. Board member Hicks asked if there is any reason they couldn't be 2' south rather than 2' north. Board member Patrick told Hicks that it would interfere with the doors and/or windows if they move it south, and will cramp the space. Hicks said they could move to the west. Mr. Carter commented to do that would make the addition longer and more narrow. Board member Hicks noted the non-conformist than to begin with creating a further encroaching. Planner Cullis said the Carters would be encroaching into the setback, but would still be on their own property line. Board member Hicks wanted her comment to be known that she feels this board is creating an encroachment against the code. Board member Klinker told the other members she feels the code has to do more with new construction rather than older homes. Board member Lazorchak said she didn't feel this board was setting new precedence for considering and she doesn't feel they are being inconsistent.

- F. Commission Discussion.** There was no commission discussion.
- G. Close Public Hearing.** Chairperson Bailey closed the public hearing at 7:43 P.M.
- I. Action.** Board member Lazorchak moved to approve the application based on the conditions Planner Cullis spelled out in his staff report. Board member Klinker seconded the motion.

Roll call vote yes: Patrick, Bailey, Lazorchak, Klinker.

Roll call vote no: Hicks.

Motion carried

**VI. VA-02-2, VARIANCE-CITY OF GUNNISON, PUBLIC WORKS DEPARTMENT**

**A. Open Public Hearing.** Chairperson Bailey opened the public hearing at 7:49 P.M.

**B. Review Application.** Chairperson Bailey reviewed Application VA-02-2, on the merits of an application by The City of Gunnison, Public Works Department, for a variance to allow a zero setback for the construction of a new storage shed building which will replace an existing old storage shed building in the City of Gunnison, Public Works, PUD zone. The real property for which the variance is sought legally is described as follows: Beginning at the southwest corner of lot 17, Block 105, as shown on the plat of West Gunnison Amended; thence west 670 feet on the north right-of-way line of Virginia Avenue; thence north 0° 04¢ east 165 feet; thence north 89° 56¢ west 20 feet to the centerline of Sixth Street; thence north 185 feet along the centerline of Sixth Street to the intersection of Sixth Street and the centerline of Georgia Avenue; thence east 370 feet along the centerline of Georgia Avenue to the centerline of Seventh Street; thence north

141.29 feet on the centerline of Seventh Street; thence east and parallel to the centerline of Ohio Avenue 208.71 feet; thence north and parallel to the centerline of Seventh Street 208.71 feet to the south right-of-way line of Ohio Avenue, as recorded in Book 484, page 470, of record with the County Clerk and Recorder of Gunnison County, Colorado; thence east 111.29 feet on the south right-of-way line of Ohio Avenue to the northeast corner of lot 24, Block 104, West Gunnison Amended; thence south 700 feet on the west right-of-way line of Eighth Street to the point of beginning. Together with Lots 1 through 5, both inclusive, Block 113, according to the plat of West Gunnison Amended.

**C. PROOF OF PUBLICATION.** Chairperson Bailey requested Proof of Publication, Planner Cullis confirmed.

**D. APPLICANT'S PRESENTATION.** Terry Zerger, the engineer for the City of Gunnison, presented the application VA-02-2. Mr. Zerger indicated the City shops had been built years ago and was made into a PUD. This allowed them to clean up and add additional structures. The City of Gunnison is currently resubmitting the PUD to update according to the master plan. The original PUD is a recorded plat and the revised PUD will increase open space. The storage building will be used by all city departments for storage (signs, sand/salt, parks and rec storage, police evidence storage etc.). The storage unit will be unheated with minimal lighting, the storage will be open except for the police evidence storage which may be closed. Board member Patrick asked what why storing the sand/salt in open storage, shouldn't it be closed? Zerger stated that the sand/salt needs protected from the weather and to replace current structure with a safe new structure. Board member Lazorchak asked if they were changing the pitch of the roof. Zerger said yes, all the run off will go onto city property. Board member Patrick asked Zerger to help her get a visual picture of where this all was going to happen. Zerger pointed everything out. Patrick then stated that the new structure looks bigger than the old shed. Zerger stated they will be adding on two additional bays, but the roof structure will be the same size. Board member Klinker asked if the length of the building was going into the right-of-way, because it measures 20', 20', 20' etc. Zerger said yes, they can't encroach any other way because of the heavy equipment storage and it will be conditioned upon upcoming street vacation and revision of the PUD.

**E. PUBLIC INPUT.** None

**F. STAFF REPORT.** Planner Cullis reviewed the staff report with the board members, showing exhibit A, pictures of surrounding homes. Planner Cullis also presented exhibit B, a letter from Perry Anderson, adjoining property owner, in support of this application. Based on the applicant meeting all the showing requirements, staff recommended approval with the following conditions:

1. The applicant is awarded approval to vacate the portion of Virginia



Avenue into which the shed will encroach.

2. The variance will expire within twelve (12) months from the date of issuance if no building permit has been issued to establish a variation authorized. Six month extensions are available upon written request to the Board of Zoning Adjustment.

**G. COMMISSION DISCUSSION.** Board member Hicks asked if staff was recommending the vacation as a condition of this approval. Planner Cullis said yes this is one of the conditions of this application.

**H. CLOSE PUBLIC HEARING.** Chairperson Bailey closed the public hearing at 8:19 P.M.

**I. ACTION.** Board member Patrick made a motion which was seconded by board member Lazorchak to approve the application with the following conditions: The applicant is awarded approval to vacate the portion of Virginia Avenue into which the shed will encroach. The variance will expire within twelve (12) months from the date of issuance if no building permit has been issued to establish a variation authorized. Six month extensions are available upon written request to the Board of Zoning Adjustment.

Roll call vote yes: Patrick, Hicks, Bailey, Lazorchak, Klinker.

Roll call vote no: none.

Motion carried

**VII. BOARD MEMBERS' COMMENTS**

None

**VII. OTHER BUSINESS.** Planner Cullis let the Board know that they have upcoming training(s) in June, and he drafted findings of fact for the board to make their job easier. Planner Cullis announced the new Building Official Chad Root.

**VIII. ADJOURN.** Board member Lazorchak made a motion to adjourn the meeting which was seconded by Board member Klinker. Roll call yes: Patrick, Hicks, Bailey, Lazorchak, Klinker. Roll call no: none. Motion carried. Meeting adjourned at 8:28 P. M.